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Tempe City Council  
June 2, 2005

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 East Fifth Street  
7:30 p.m.

1. INVOCATION - Councilmember Copple
2. PLEDGE OF ALLEGIANCE
3. MINUTES - Councilmember Hutson
  - A. Approval of Council Meeting Minutes
    1. Council's Ad-Hoc Long-Range Budget & Finance Planning Committee – April 5 & May 10, 2005 [20050602lrb01.pdf](#) [20050602lrb02.pdf](#)
    2. Council's Community Services Committee – January 19 & April 20, 2005 [20050602csvcs01.pdf](#) [20050602csvcs02.pdf](#)
    3. Council's Technology Advancement, Tourism & Redevelopment Committee – October 11, 2004; January 10 & 24, February 14 & 28, April 11 & 25, May 9 & 23, 2005 [20050602TATR09.pdf](#) [20050602TATR01.pdf](#) [20050602TATR02.pdf](#) [20050602TATR03.pdf](#) [20050602TATR04.pdf](#) [20050602TATR05.pdf](#) [20050602TATR06.pdf](#) [20050602TATR07.pdf](#) [20050602TATR08.pdf](#)
  - B. Acceptance of Board & Commission Meeting Minutes
    4. Committee for Youth, Families and Community – April 18, 2005 [20050602yfcc01.pdf](#)
    5. Community Special Events Task Force – May 24, 2005 [20050602setf01.pdf](#)
    6. Enhanced Services Commission – April 20, 2005 [20050602esc01.pdf](#)
    7. Hearing Officer – April 19 & May 3, 2005 [20050602ho01.pdf](#) [20050602ho02.pdf](#)
    8. Historic Preservation Commission – April 7, 2005 [20050602hpc01.pdf](#)
    9. Human Relations Commission – April 19, 2005 [20050602hrc01.pdf](#)
    10. Parks & Recreation Board – April 12, 2005 [20050602csmr01.pdf](#)
    11. Planning & Zoning Commission – January 25, February 22, March 8 & 22, April 12, 2005 [20050602pz02.pdf](#) [20050602pz03.pdf](#) [20050602pz04.pdf](#) [20050602pz05.pdf](#) [20050602pz06.pdf](#)
    12. Rio Salado Advisory Commission – April 26, 2005 [20050602rsac01.pdf](#)
    13. Tempe Sports Authority – April 19, 2005 [20050602tsa01.pdf](#)

#### 4. REPORTS AND ANNOUNCEMENTS

##### A. Mayor's Announcements

- Board and Commission Vacancies
- July 4<sup>th</sup> Transportation
- Rio Salado Project funding approval recognition

##### B. Manager's Announcements

#### 5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (\*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

**q-j** indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

##### A. Miscellaneous Items

14. Request approval of the Report of Claims Paid to be Filed for Audit for the weeks of May 8 & May 15, 2005.

**COMMENTS:** A copy of the detailed claims report may be obtained by contacting the City Clerk's Office.

15. Request approval for the transfer of surplus property to the City of San Luis, Arizona.

**COMMENTS:** The property consists of light poles and fixtures, previously removed from the Benedict Sports Complex and no longer needed by the City of Tempe.

**DOCUMENT NAME:** [20050602csmr02.pdf](#) PARKS ADMINISTRATION (0706-01)

16. Request approval to renew public defender contracts for a one-year period.

**COMMENTS:** For representation of indigent defendants in the Tempe Municipal Court.

**DOCUMENT NAME:** [20050602ctfv01.pdf](#) COURT ADMINISTRATION (0501-02)

- \*17. Request approval to continue to June 16, 2005, the public hearing for a Series 6 Bar liquor license for the Loft, 420 S. Mill Avenue, Suite 101.

**COMMENTS:** Michael Dove, Agent

**DOCUMENT NAME:** [20050602LIQ1.pdf](#) LIQ LIC (0210-02)

- \*18. This is a public hearing to recommend the approval of a Series 7 Beer and Wine Bar liquor license for Paymah Investments, LLC, dba Frankie's New York Pizza, 1420 N. Scottsdale Road.

**COMMENTS:** Mahan Seifi, Agent

**DOCUMENT NAME:** [20050602LIQ2.pdf](#) LIQ LIC (0210-02)

- \*19. This is a public hearing to recommend the approval of a Series 6 Bar liquor license for Premier Bar Consulting, LLC, dba Arizona Beach Club, 430 N. Scottsdale Road.

**COMMENTS:** Randy Feldman, Agent

**DOCUMENT NAME:** [20050602LIQ3.pdf](#) LIQ LIC (0210-02)

- \*20. This is a public hearing to recommend the approval of a Series 6 Bar liquor license for Red Owl LLC, dba Red Owl, 2155 E. University Drive, #116.

**COMMENTS:** Peter Schelstraete, Agent

**DOCUMENT NAME:** [20050602LIQ4.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

21. Request to award a Construction Manager at Risk Construction Services contract to Okland Construction Company, Inc. and to approve a \$167,000 contingency allowance for change orders; to award a professional services contract to MBA Corp.; and to approve an addendum to a professional services contract with Michael Wilson Kelly Architects for the North Tempe Multi-Generational Center.

**COMMENTS:** Subject to execution of the final written contract with Okland Construction Company, Inc., for a Guaranteed Maximum Price of \$5,698,615; to execution of the final written contract with MBA Corp. in an amount not to exceed \$98,000; and to execution of the final written contract and addendum with Michael Wilson Kelly Architects in an amount not to exceed \$29,861.

**DOCUMENT NAME:** [20050602PWTG01.pdf](#) COMMUNITY SERVICES ADMINISTRATION (0701-01) PROJECT NO. 6300291

22. Request to award a Construction Manager at Risk Design Phase Services contract to Adolfson & Peterson Construction for the Transportation Center and the Fifth Street and Farmer Avenue Parking Lot.

**COMMENTS:** Subject to execution of the final written contract in an amount not to exceed \$148,905.

**DOCUMENT NAME:** [20050602PWTG02.pdf](#) TRANSPORTATION PLANNING (1101-01) PROJECT NO. 60-976762

23. Request to award a Construction Manager at Risk Design Phase services contract to Achen-Gardner Engineering, LLC, for the McAllister/University Water and Sewer Facility Improvements.

**COMMENTS:** Subject to execution of the final written contract for an amount not to exceed \$116,203.

**DOCUMENT NAME:** [20050602PWTG03.pdf](#) WASTEWATER MANAGEMENT ADMIN.(0812-01) PROJECT NO. 3201671

24. Request approval of a one-year contract renewal with Christmas Light Decorators for holiday light displays.

**COMMENTS:** Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20050602fslq01.pdf](#) PURCHASES (1004-01) T01-088-01

25. Request approval of a one-year contract renewal with Fluoresco Lighting and Signs for sign faces, cabinets and labor.

**COMMENTS:** Total amount not to exceed \$100,000.

**DOCUMENT NAME:** [20050602fslq02.pdf](#) PURCHASES (1004-01) T04-099-01

26. Request approval to utilize a one-year City of Chandler contract with two (2) one-year renewal options with Heinfeld, Meech & Co., P.C., for professional auditing services.

**COMMENTS:** Total cost of this contract shall not exceed \$71,850 during the initial contract period.

**DOCUMENT NAME:** [20050602fsdl03.pdf](#) PURCHASES (1004-01) #AC3-0893-2012

27. Request to award a one-year sole source contract to GG&G, Inc., for night vision monoculars/binoculars for Police Department tactical and rapid response teams.

**COMMENTS:** Subject to execution of final written contract. Total cost for this contract shall not exceed \$77,500 during the contract period.

**DOCUMENT NAME:** [20050602fsdl04.pdf](#) PURCHASES (1004-01) #05-159

**28. DELETED**

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- \*29. This is the **introduction and first public hearing** for an ordinance authorizing the Mayor to execute Addendum No. 1 to the Lease Agreement between the City of Tempe and the Arizona Board of Regents (Arizona State University) for the use of Mitchell School. **The second public hearing is set for June 16, 2005.**

**DOCUMENT NAME:** [20050602cacc05.pdf](#) MITCHELL SCHOOL (0903-13)

ORDINANCE NO. 2005.34

D. Ordinances and Items for Second Hearing/Final Adoption

- \*30. This is the **second public hearing** for an ordinance authorizing the Mayor to execute a Grant Participant Agreement with, and convey a preservation and conservation easement to, Arizona State Parks for a Heritage Fund grant for the Eisendrath House Stabilization.

COMMENTS: Grant amount is \$35,000.

DOCUMENT NAME: [20050602cacc01.pdf](#) HISTORICAL ADV BD BLDG  
PRESERVATION RECOMMENDATION (0112-02-03) ORDINANCE NO. 2005.25

- \*31. This is the **second public hearing** for an ordinance amending Chapter 16A, Article IV of the Tempe City Code relating to After-Hours Establishments.

DOCUMENT NAME: [20050602cacc02.pdf](#) TCC CH 16 – LICENSES, TAXATION  
& MISC BUS REGS, ETC. (0503-16) ORDINANCE NO. 2005.32

- \*32. This is the **second public hearing** for an ordinance authorizing the Mayor to enter into Addendum No. 3 to the Lease Agreement with Childsplay, Inc. for the use of the Tempe Performing Arts Center.

DOCUMENT NAME: [20050602cacc03.pdf](#) MUNICIPAL COMPLEX  
(TLT/CHILDSPLAY) (0902-23) ORDINANCE NO. 2005.29

- \*33. This is the **second public hearing** for an ordinance authorizing the Mayor to enter into Addendum No. 2 to the Lease Agreement with Tempe Little Theatre for the use of the Tempe Performing Arts Center.

DOCUMENT NAME: [20050602cacc04.pdf](#) MUNICIPAL COMPLEX  
(TLT/CHILDSPLAY) (0902-23) ORDINANCE NO. 2005.28

- \*34. This is the **second public hearing** for an ordinance authorizing a Zoning Map Amendment for COSMO, 234 West University Drive.

COMMENTS: (Matt Gismondi, Gentle Strength Cooperative, Inc., property owner) (RRC05004) for a sixteen story building with approximately 488,000 s.f. of building on 1.77 acres, including the following:

#ZON-2005.05 Ordinance No. 2005.08 for a Zoning Map Amendment from GID, General Industrial District (formerly I-2, General Industrial) to CC, City Center District on 1.77 acres.

DOCUMENT NAME: [20050602dsrl02a.pdf](#) PLANNED DEVELOPMENT (0406)

- \*35. This is the **second public hearing** for a Preliminary Planned Area Development

Overlay for COSMO, 234 West University Drive.

**COMMENTS:** (Matt Gismondi, Gentle Strength Cooperative, Inc., property owner) (RRC05004) for a sixteen story building with approximately 488,000 s.f. of building on 1.77 acres, including the following:

#SPD-2005.32 for a Preliminary Planned Area Development Overlay District consisting of 170,000 s.f. of residential condominiums, 67,000 s.f. of grocery store/commercial and 450+ parking spaces within 488,000 s.f. of building on 1.77 acres.

**DOCUMENT NAME:** [20050602dsrl02b.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*36. This is the **second public hearing** for an ordinance authorizing the historic designation of the KIRKLAND-McKINNEY DITCH at 1403 East 8<sup>th</sup> Street and 902 South Una Avenue.

**COMMENTS:** (Tempe Historic Preservation Commission, applicant) **Ordinance No. 2005.20 #HPO-2005.31** for the historic designation of the Kirkland-McKinney Ditch.

**DOCUMENT NAME:** [20050602dsrl04.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*37. This is the **second public hearing** an ordinance authorizing the historic district designation of the BORDEN HOMES Subdivision.

**COMMENTS:** (Tempe Historic Preservation Commission, applicant) **Ordinance No. 2005.19 #HPO-2005.30** for designation of the Borden Homes Subdivision as a historic district including code text amendments, consisting of lots 1 through 7, 9 through 62, and 71 through 79, located between Orange Street on the north and Apache Boulevard on the south, and from McClintock Drive on the east to Una Avenue on the west.

**DOCUMENT NAME:** [20050602dsrl03.pdf](#) **PLANNED DEVELOPMENT (0406)**

- \*38. This is the **second public hearing** for an ordinance authorizing the historic designation of the HAYDEN FLOUR MILL & SILOS, 119 South Mill Avenue.

**COMMENTS:** (RRC05018) (City of Tempe, owner) **Ordinance No. 2005.21 #HPO-2005.39** for the historic designation of the Hayden Four Mill and Silos, consisting of approximately 10 acres.

**DOCUMENT NAME:** [20050602dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

#### E. Resolutions

39. Request approval of a resolution authorizing the issuance and sale of \$52,425,000 of City of Tempe General Obligation Bonds, Series 2005.

**COMMENTS:** Providing for the annual levy of a tax for the payment of the bonds; providing certain terms, covenants and conditions regarding the issuance of the bonds; accepting a proposal for the purchase of the bonds; appointing a registrar, transfer

agent and paying agent for the bonds.

**DOCUMENT NAME:** [20050602fsjh01.pdf](#) **BOND SERVICE ADMINISTRATION (0203-01) RESOLUTION NO. 2005.29**

40. Request approval of a resolution accepting a \$6,900 grant from the Arizona Automobile Theft Authority for bait vehicle maintenance and communication costs.

**DOCUMENT NAME:** [20050602pdsr01.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02) RESOLUTION NO. 2005.24.**

41. Request approval of a resolution accepting a \$15,937 grant from the Arizona Automobile Theft Authority for vehicle theft prevention events, activities, and equipment.

**DOCUMENT NAME:** [20050602pdsr02.pdf](#) **POLICE DEPARTMENT ADMINISTRATION (0606-02) RESOLUTION NO. 2005.25**

- \*42. This is a public hearing for a resolution approving the annual assessments for the Downtown Tempe Enhanced Services Improvement District.

**DOCUMENT NAME:** [20050602dsnc01.pdf](#) **CENTRAL BUSINESS DISTRICT (0403-05) RESOLUTION NO. 2005.21**

43. Request approval of a resolution authorizing the Mayor to sign an Intergovernmental Agreement between the Arizona Board of Regents (Arizona State University) and the City of Tempe for reconstruction of the McAllister Avenue Relief Sewer, construction of the Memorial Union Diversion Sewer, and construction of the Apache Boulevard Waterline.

**DOCUMENT NAME:** [20050602cacc06.pdf](#) **WASTEWATER MANAGEMENT ADMIN (0812-01) RESOLUTION NO. 2005.27**

## 6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

SCHEDULED PUBLIC APPEARANCE

- Dennis Skolnick, Tempe, re: Mill Avenue, Greenwich Village of the Southwest
- *Ralph Ellis, Tempe, re: Wages for Police*

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-8241 (voice) or (480) 350-8400 (TDD) to request an accommodation to participate in the City Council meeting.

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Watch live at [www.tempe.gov/tempe11](http://www.tempe.gov/tempe11)**